

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

April 22, 2002

At 9:33 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Scotland, Presiding Justice; Raye, Associate Justice; Hull, Associate Justice; and Rios, Bailiff. Calendar Called.

C035914

ROBINSON et al. v. CAL-SIERRA TITLE COMPANY

Cause called. Richard R. Murphy argued for appellants. Shelli Lynndell argued for respondent. Cause submitted.

At 9:50 a.m., the court recessed. At 9:56 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Davis and Associate Justice Callahan.

C035540

THE PEOPLE v. CARMONY

Cause called. Sarah F. Pattison, court appointed counsel, argued for appellant. Jane N. Kirkland, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:20 a.m., the court recessed. At 10:26 a.m., the court reconvened with Acting Presiding Justice Davis, Associate Justice Raye and Associate Justice Callahan.

C035835

FJELLINE et al. v. GRECO et al.

Cause called. Charity Kenyon argued for appellants. Paul Ryan Minasian argued for respondents. Cause submitted.

At 10:54 a.m., the court recessed. At 10:57 a.m., the court reconvened with Acting Presiding Justice Sims, Associate Justice Callahan and Associate Justice Kolkey.

C037385

RICHARDS et al. v. TRAMMELL et al.

Cause called. David B. Johnson argued for appellants. Kevin J. Hobson argued for respondents. Cause submitted.

At 11:15 a.m., the court recessed. At 11:20 a.m., the court reconvened with Acting Presiding Justice Nicholson, Associate Justice Hull and Associate Justice Kolkey.

C033148

ARLIN et al. v. GEORGE REED, INC., et al.

Cause called. Thomas H. Van Dyke argued for appellants. Roger S. Matzkind argued for respondents. Cause submitted.

At 11:40 a.m., the court recessed. At 2:02 p.m., the court reconvened with Presiding Justice Scotland, Associate Justice Davis and Associate Justice Hull.

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April 22, 2002, continued

C034090 LEASE et al. v. CITY OF REDDING et al.
Cause called. George E. Murphy argued for appellants and submitted additional citations. Suzanne Nicholson appeared only. Jay-Allen Eisen argued for respondents. Robert G. Simpson appeared only. Cause submitted.

At 2:26 p.m., the court recessed. At 2:31 p.m., the court reconvened with Presiding Justice Scotland, Associate Justice Morrison and Associate Justice Kolkey.

C029883 THE PEOPLE v. AVILA et al.
Cause called. Richard L. Rubin, court appointed counsel, argued for appellant Cobb. No appearance was made on behalf of appellants Avila and Reynoso as argument was previously waived and approved. John G. McLean, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:56 p.m., the court recessed. At 3:00 p.m., the court reconvened with Presiding Justice Scotland, Associate Justice Nicholson and Associate Justice Morrison.

C035471 THE PEOPLE v. REYNOLDS
Cause called. Laura Schaefer, court appointed counsel, argued for appellant. No appearance was made on behalf of respondent as argument was previously waived and approved. Cause submitted.

At 3:03 p.m., the court recessed. At 3:06 p.m., the court reconvened with Acting Presiding Justice Sims, Associate Justice Nicholson and Associate Justice Morrison.

C036190 TATEISHI v. PEPSI COLA LAUREL BOTTLING COMPANY
Cause called. Richard E. Morton argued for appellant. Kenny N. Giffard argued for respondent. Cause submitted.

At 3:33 p.m., the court recessed. At 3:35 p.m., the court reconvened with Acting Presiding Justice Nicholson, Associate Justice Hull and Associate Justice Kolkey.

C035449 ARIF et al. and SLUSSER v. DURAND et al.
Cause called. Madelaine Durand argued for herself in pro per as appellant and submitted additional citations. Edwin Durand appeared only and submitted additional citations. Craig M. Kellison argued for plaintiffs-cross defendants-respondents. Mark Townsend Davis argued for cross-defendant-respondent. Cause submitted.

At 4:24 p.m., the court recessed until 9:30 a.m., Monday, May 20, 2002.

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The Minutes

April 22, 2002, continued

- C037874 In re JASMINE H. et al.; SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY v. JAMES H. (Not for Publication)**
The order denying appellant visitation is affirmed.
 KOLKEY, J.
We concur: Blease, Acting P.J.
 Hull, J.
- C038633 In re XAVIER S. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. TINA M. (Not for Publication)**
The judgment is modified by striking the juvenile court's finding that the allegations in the two petitions pursuant to section 300, subdivision (a), is true. As modified, the judgment is affirmed.
 KOLKEY, J.
We concur: Blease, Acting P.J.
 Hull, J.
- C039106 THE PEOPLE v. SWAIN**
BY THE COURT:
Respondent's petition for rehearing is denied.
 SCOTLAND, P.J.

April 23, 2002

- C039163 THE PEOPLE v. JOHNSON (Not for Publication)**
The judgment is affirmed.
 SIMS, Acting P.J.
We concur: Nicholson, J.
 Robie, J.
- C037396 POWELL v. BENSON (Not for Publication)**
The judgment is affirmed.
 CALLAHAN, J.
We concur: Blease, Acting P.J.
 Davis, J.
- C034099 THE PEOPLE v. FORSHAY et al.**
BY THE COURT:
The "petition for rehearing; application to vacate submission of the case; and request for leave to file a supplemental appellant's opening brief" filed by appellant Robert Franklin Ketcherside is denied.
 DAVIS, Acting P.J.

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April 23, 2002, continued

C035859 TSAI v. TSAI (Not for Publication)
THE COURT:
It is ordered that the opinion filed herein on April 12, 2002, be modified as follows:...There is no change in the judgment.
FOR THE COURT:
Scotland, P.J.
Hull, J.
Davis, J.

C039165 PARRISH v. SUPERIOR COURT OF SACRAMENTO COUNTY and THE PEOPLE
THE COURT:
The opinion in the above captioned case, filed March 29, 2002, is modified in the following respects:...There is no change in the judgment. The petition for rehearing is denied.
Blease, Acting P.J.
Sims, J.
Morrison, J.

April 24, 2002

C034403 THE PEOPLE v. BRUCE G. (Certified for Partial Publication)
Defendant's convictions are affirmed. Defendant's sentence is vacated and the matter is remanded to the trial court for resentencing in accordance with part VI of this opinion.
MORRISON, J.
I concur: Sims, Acting P.J.
I respectfully dissent...
Davis, J.

C035579 THE PEOPLE v. GOREE (Not for Publication)
The judgment is affirmed.
MORRISON, J.
I concur: Hull, J.
I fully concur in the opinion except as to part I of the Discussion relating to the denial of defendant's motion for a live lineup; as to that part, I concur in the result... Raye, Acting P.J.

C036658 THE PEOPLE v. HUGHES
C036888 THE PEOPLE v. WOODS (Not for Publication)
The judgments are affirmed.
MORRISON, J.
We concur: Sims, Acting P.J.
Nicholson, J.

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April 24, 2002, continued

- C038981 THE PEOPLE v. CATLIN (Not for Publication)**
The appeal is dismissed.
 SCOTLAND, P.J.
We concur: Davis, J.
 Robie, J.
- C035762 STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY v. ESKANOS (Not for Publication)**
The judgment is affirmed.
 SCOTLAND, P.J.
We concur: Raye, J.
 Callahan, J.
- C040593 CARTER v. CALIFORNIA COMMISSION ON TEACHER CREDENTIALING BY THE COURT:**
Appellant's motion to reinstate the appeal is granted. The order of March 27, 2002, dismissing the appeal is vacated, and the appeal is reinstated...
 SCOTLAND, P.J.

April 25, 2002

- C033974 THE PEOPLE v. WEISEL (Not for Publication)**
The judgment is affirmed.
 MORRISON, J.
We concur: Sims, Acting P.J.
 Nicholson, J.
- C038824 THE PEOPLE v. GRIJALVA (Not for Publication)**
The Penal Code section 12022, subdivision (b) weapon use enhancement is stricken. As modified, the judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment reflecting the modified judgment and forward a certified copy of the corrected abstract of judgment to the Department of Corrections.
 MORRISON, J.
We concur: Sims, Acting P.J.
 Davis, J.

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April 25, 2002, continued

**C037282 TICKET TRACK CALIFORNIA, INC. et al. v. DEPARTMENT OF MOTOR
VEHICLES et al. (Certified for Publication)**
The judgment is reversed to the extent it allows attorney Pohls to transfer or
disclose the confidential DMV residential address information to his client, Ticket
Track. In all other respects, the judgment is affirmed. Each side shall pay its
own costs on appeal. **(CERTIFIED FOR PUBLICATION.)**
 DAVIS, J.
I concur: Hull, J.
For reasons that follow, I respectfully dissent from the majority's conclusion that
attorney Robert Pohls was entitled to receive residential addresses from the
Department of Motor Vehicles (DMV)...
 Sims, Acting P.J.

C037882 NOEL v. BARTON (Not for Publication)
The judgment is affirmed. Plaintiff, cross-defendant and respondent Noel is
awarded her costs on appeal.
 CALLAHAN, J.
We concur: Scotland, P.J.
 Robie, J.

April 26, 2002

C035647 THE PEOPLE v. BUTLER (Not for Publication)
The judgment is affirmed.
 MORRISON, J.
We concur: Scotland, P.J.
 Hull, J.

C037429 THE PEOPLE v. RAMOS (Not for Publication)
The judgment is affirmed.
 MORRISON, J.
We concur: Scotland, P.J.
 Raye, J.

C037616 LYON et al. v. COUNTY OF YOLO et al. (Not for Publication)
The judgment is affirmed.
 MORRISON, J.
We concur: Blease, Acting P.J.
 Nicholson, J.

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April 26, 2002, continued

THE COURT:

For good cause it now appears that the opinion should be published and accordingly, it is ordered that the opinion be published in the Official Reports. **(CERTIFIED FOR PUBLICATION.)**

Kolkey, J.